



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

SB1346

Introduced 2/8/2011, by Sen. Matt Murphy

#### SYNOPSIS AS INTRODUCED:

30 ILCS 115/2

from Ch. 85, par. 612

Amends the State Revenue Sharing Act. Provides that, if the county treasurer of any county with a population of 3,000,000 or more fails to prepare and mail actual property tax bills for the county, as required under Section 21-30 of the Property Tax Code, by October 1 of any year, beginning in 2011, then that county shall forfeit its share of proceeds from the Local Government Distributive Fund for a 12-month period beginning with the distribution made in January of the next calendar year. Provides that any amounts so forfeited shall be paid instead to the other counties and municipalities within the State in proportion to the number of individual residents of such municipality or county to the total population of the State. Effective immediately.

LRB097 06900 PJG 46993 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Revenue Sharing Act is amended by  
5 changing Section 2 as follows:

6 (30 ILCS 115/2) (from Ch. 85, par. 612)

7 Sec. 2. Allocation and Disbursement.

8 (a) As soon as may be after the first day of each month,  
9 the Department of Revenue shall allocate among the several  
10 municipalities and counties of this State the amount available  
11 in the Local Government Distributive Fund and in the Income Tax  
12 Surcharge Local Government Distributive Fund, determined as  
13 provided in Sections 1 and 1a above. Except as provided in  
14 Sections 13 and 13.1 of this Act, the Department shall then  
15 certify such allocations to the State Comptroller, who shall  
16 pay over to the several municipalities and counties the  
17 respective amounts allocated to them. The amount of such Funds  
18 allocable to each such municipality and county shall be in  
19 proportion to the number of individual residents of such  
20 municipality or county to the total population of the State,  
21 determined in each case on the basis of the latest census of  
22 the State, municipality or county conducted by the Federal  
23 government and certified by the Secretary of State and for

1 annexations to municipalities, the latest Federal, State or  
2 municipal census of the annexed area which has been certified  
3 by the Department of Revenue. Allocations to the City of  
4 Chicago under this Section are subject to Section 6 of the  
5 Hotel Operators' Occupation Tax Act. For the purpose of this  
6 Section, the number of individual residents of a county shall  
7 be reduced by the number of individuals residing therein in  
8 municipalities, but the number of individual residents of the  
9 State, county and municipality shall reflect the latest census  
10 of any of them. The amounts transferred into the Local  
11 Government Distributive Fund pursuant to Section 9 of the Use  
12 Tax Act, Section 9 of the Service Use Tax Act, Section 9 of the  
13 Service Occupation Tax Act, and Section 3 of the Retailers'  
14 Occupation Tax Act, each as now or hereafter amended, pursuant  
15 to the amendments of such Sections by Public Act 85-1135, shall  
16 be distributed as provided in said Sections.

17 (b) It is the intent of the General Assembly that  
18 allocations made under this Section shall be made in a fair and  
19 equitable manner. Accordingly, the clerk of any municipality to  
20 which territory has been annexed, or from which territory has  
21 been disconnected, shall notify the Department of Revenue in  
22 writing of that annexation or disconnection and shall (1) state  
23 the number of residents within the territory that was annexed  
24 or disconnected, based on the last census conducted by the  
25 federal, State, or municipal government and certified by the  
26 Illinois Secretary of State, and (2) furnish therewith a

1 certified copy of the plat of annexation or, in the case of  
2 disconnection, the ordinance, final judgment, or resolution of  
3 disconnection together with an accurate depiction of the  
4 territory disconnected. The county in which the annexed or  
5 disconnected territory is located shall verify that the number  
6 of residents stated on the written notice that is to be sent to  
7 the Department of Revenue is true and accurate. The verified  
8 statement of the county shall accompany the written notice.  
9 However, if the county does not respond to the municipality's  
10 request for verification within 30 days, this verification  
11 requirement shall be waived. The written notice shall be  
12 provided to the Department of Revenue (1) within 30 days after  
13 the effective date of this amendatory Act of the 96th General  
14 Assembly for disconnections occurring after January 1, 2007 and  
15 before the effective date of this amendatory Act of the 96th  
16 General Assembly or (2) within 30 days after the annexation or  
17 disconnection for annexations or disconnections occurring on  
18 or after the effective date of this amendatory Act of the 96th  
19 General Assembly. For purposes of this Section, a disconnection  
20 or annexation through court order is deemed to be effective 30  
21 days after the entry of a final judgment order, unless stayed  
22 pending appeal. Thereafter, the monthly allocation made to the  
23 municipality and to any other municipality or county affected  
24 by the annexation or disconnection shall be adjusted in  
25 accordance with this Section to reflect the change in residency  
26 of the residents of the territory that was annexed or

1 disconnected. The adjustment shall be made no later than 30  
2 days after the Department of Revenue's receipt of the written  
3 notice of annexation or disconnection described in this  
4 Section.

5 (c) Notwithstanding any other provision of law, if the  
6 county treasurer of any county with a population of 3,000,000  
7 or more fails to prepare and mail actual property tax bills for  
8 the county, as required under Section 21-30 of the Property Tax  
9 Code, by October 1 of any year, beginning in 2011, then that  
10 county shall forfeit its share of proceeds from the Local  
11 Government Distributive Fund for a 12-month period beginning  
12 with the distribution made in January of the next calendar  
13 year. Any amounts so forfeited shall be paid instead to the  
14 other counties and municipalities within the State in  
15 proportion to the number of individual residents of such  
16 municipality or county to the total population of the State.

17 (Source: P.A. 96-1040, eff. 7-14-10.)

18 Section 99. Effective date. This Act takes effect upon  
19 becoming law.